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3 Seattle, WA 98117  
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4 *Additional Counsel Identified on Signature Page to Plaintiffs' Motion*

5  
6 IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

7 COMMUNITY ASSOCIATION FOR  
RESTORATION OF THE  
8 ENVIRONMENT, INC., a Washington  
non-profit corporation; FRIENDS OF  
9 TOPPENISH CREEK, a Washington non-  
profit corporation; *and* CENTER FOR  
10 FOOD SAFETY, a Washington, D.C. non-  
profit corporation,

11 Plaintiffs,

12 v.

13 AUSTIN JACK DECOSTER, an individual,  
DECOSTER ENTERPRISES, LLC, a  
Delaware limited liability company,  
14 AGRICUTURAL INVESTMENT-FUND  
II, LLC, a Delaware limited liability  
15 company, IDAHO AGRI INVESTMENTS,  
LLC, an Idaho limited liability company,  
16 IDAHO DAIRY HOLDINGS, LLC, an  
Idaho limited liability company, DRY  
17 CREEK DAIRIES, LLC, an Idaho limited  
liability company, WASHIGNTON AGRI  
18 INVESTMENTS, LLC, a Washington  
limited liability company, WASHINGTON  
19 DAIRY HOLDINGS, LLC, a Washington  
limited liability company, DBD  
20 WASHINGTON, LLC, a Washington

Case No. 1:19-CV-3110-TOR

**DECLARATION OF DANIEL C.  
SNYDER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR AWARD  
OF ATTORNEYS' AND EXPERT  
WITNESSES' FEES AND COSTS**

DECLARATION OF DANIEL C. SNYDER IN SUPPORT OF PLAINTIFFS'  
MOTION FOR AWARD OF FEES AND COSTS

1 limited liability company; and SMD, LLC, a  
2 Washington limited liability company,  
3 Defendants.

4 I, Daniel C. Snyder, hereby declare as follows:

5 1. I am over the age of eighteen and competent to make this declaration,  
6 which is based on my personal knowledge. I am counsel for Plaintiffs in the above-  
7 captioned case.

8 2. I am the Senior Attorney in the Environmental Enforcement Project at  
9 PUBLIC JUSTICE, a public interest law firm that takes on the biggest threats to  
10 justice in our society – abusive corporate power and predatory practices, the assault  
11 on civil rights and liberties, and the destruction of Earth’s sustainability. I make  
12 this declaration in support of Plaintiffs’ Motion for Award of Attorneys’ Fees and  
13 Costs following the Court’s entry of the Consent Decree in this action.

14 3. I graduated from the University of Oregon in 2007 (*summa cum*  
15 *laude*, Phi Beta Kappa) and from the University of Oregon School of Law in 2010  
16 (*Order of the Coif*). My focus in law school was environmental law, and I  
17 successfully completed almost all of the environmental law courses offered in the  
18 curriculum. During law school, I clerked with the Oregon Department of Justice,  
19 Natural Resources Division, from 2008-2009, and participated in the Law School’s  
20

1 Environmental Law Clinic in 2009. I held many paid positions during law school,  
2 ranging from plaintiff's securities litigation work to construction defect liability.

3 4. I was admitted to the Oregon State Bar in 2010 and have been a  
4 member in good standing ever since. I am currently pending admission to the  
5 District of Columbia Bar.

6 5. Since graduating law school in 2010, the focus of my career has been  
7 the enforcement of our Nation's environmental laws against polluters. From 2010  
8 to 2022, I practiced environmental law with the Law Offices of Charles M.  
9 Tebbutt, P.C. I transitioned to the Senior Attorney position at PUBLIC JUSTICE in  
10 September 2022.

11 6. In my career, I have litigated before many federal courts, including:  
12 the District of Oregon, the Eastern and Western Districts of Washington, the  
13 District of Colorado (admitted), the District of Columbia, the Northern District of  
14 California, the District of Montana, the Eastern District of North Carolina, the  
15 Middle District of Florida, the District of Idaho, and the Fifth and Ninth Circuit  
16 Courts of Appeals. I am admitted *pro hac vice* in the instant matter. I have also  
17 litigated matters before the Oregon Court of Appeals, the Oregon Supreme Court,  
18 and the Idaho Supreme Court.

19 7. My practice can be described as a specialized form of environmental  
20 law. I litigate matters primarily in federal court against polluters and violators

1 pursuant to the citizen suit provisions of federal law, such as the Federal Water  
2 Pollution Control Act or Clean Water Act, the Resource Conservation and  
3 Recovery Act (“RCRA”), the Endangered Species Act, the National Environmental  
4 Policy Act, the Comprehensive Environmental Response, Compensation, and  
5 Liability Act, and the Emergency Planning and Community Right-to-Know Act  
6 (“EPCRA”). I also maintain a robust Freedom of Information Act docket and have  
7 worked in Oregon’s complex land use arena, practicing before the Oregon Land  
8 Use Board of Appeals.

9       8. I have been involved in multiple citizen suits that can be characterized  
10 as “novel” or “first-impression” cases. These include the first case holding a  
11 Concentrated Animal Feeding Operation or “CAFO” liable for contaminating  
12 groundwater, *see* ECF No. 201, “Memorandum of Decision,” *CARE v. Nelson*  
13 *Faria Dairy, LLC*, 04-cv-3060 (LRS) (E.D. Wash. Dec. 30, 2011); the only citizen  
14 suit brought under the Clean Water Act and EPCRA against BP for the Gulf oil  
15 spill, *see Center for Biological Diversity v. BP America, et al.*, Nos. 10-2454 & 10-  
16 1768, MDL-2179 (E.D. La.); the first citizen suit holding a CAFO liable for  
17 causing or contributing to an imminent and substantial endangerment under  
18 RCRA; *see* ECF No. 320, “Order Re: Cross Motions for Summary Judgment,”  
19 *CARE v. Cow Palace, LLC*, 2:13-cv- 3016-TOR (January 14, 2015); and the first  
20 citizen suit brought under the Clean Water Act against a moving point source for

1 the discharge of coal and petcoke from open-top coal cars (resolved by Consent  
2 Decree entered by this Court on May 2, 2017).

3 9. Due to the specialized nature of my law practice, I have been awarded  
4 higher hourly rates than what would otherwise be commanded by an attorney of  
5 my skill and experience. For instance, this Court awarded me an in-forum hourly  
6 rate of \$250/hour in January, 2016 in connection with the fee motion in  
7 *Community Association for Restoration of the Environment, Inc. et al. v. Cow*  
8 *Palace, LLC et al.*, 2:13-cv-03016-TOR (ECF No. 453 at 25:11-20, January 12,  
9 2016). That rate was \$60/hour higher than other attorneys of similar skill and  
10 experience at the time.

11 10. Based on my understanding of the legal market in Eastern  
12 Washington, the specialized practice I have developed and utilized in this  
13 litigation, and on the other fee declarations submitted herewith, I am requesting  
14 that the Court award me an hourly rate of \$512/hour for the time I have incurred in  
15 this case.

16 11. While working at the Law Offices of Charles M. Tebbutt, P.C., I  
17 incurred 340.4 hours on this matter, for a total fee sought of \$174,285.

18 12. From September 26, 2022 to the present, I worked at the PUBLIC  
19 JUSTICE law firm while representing Plaintiffs in this action. Through September  
20

10, I incurred an additional 246.2 hours on this case, for a total fee sought of \$126,054.

13. In total, I am requesting that the Court award me a total lodestar fee of \$300,339 for my hours incurred in this case (586.6 hours \* \$512/hour = \$300,339).

14. I also request that the Court award PUBLIC JUSTICE time incurred by paralegal Lisa Reed. Ms. Reed has been a practicing paralegal for over a decade. She incurred 14.3 hours preparing Plaintiffs' expert witness discovery documents for production. At a paralegal rate of \$195/hour, the requested lodestar award for Ms. Reed is \$2,788.50.

15. A detailed breakdown of my time and Ms. Reed's time at PUBLIC JUSTICE is attached hereto as **Exhibit 1**. My work with Mr. Tebbutt's firm is detailed in his declaration. I record my hours contemporaneously as I complete any given task on a case, as did Ms. Reed. Those hours are then transcribed onto a spreadsheet, generally at the end of each month. I will provide the Court with an updated spreadsheet for fees incurred by Plaintiffs in this fee proceeding (so called "fees-on-fees") at an appropriate time.

16. As the spreadsheet demonstrates, I record my time in tenths of an hour, per standard attorney billing practices. I endeavor to bill hours only for time spent on substantive work. For instance, in my billing discretion, I frequently do not record time spent on ministerial tasks or items I do not think a reasonable client

1 would be willing to pay their attorney. An example of this would be quickly  
2 responding to an email related to the case which only required a minimal amount  
3 of my time, such as simply responding with “Yes.”

4 17. I worked in tandem with Charles M. Tebbutt throughout this  
5 litigation, ensuring we did not needlessly duplicate work or invest time in matters  
6 that would not be fruitful or recoverable. Had this case gone to trial, I would have  
7 sat second chair and taken fact and expert witness testimony, along with arguing  
8 pretrial and evidentiary motions.

9 18. Below, I describe in general terms my work in this litigation  
10 throughout the prior four years. These descriptions are meant to be illustrative of  
11 the work identified in my timesheet.

12 19. **Pre-Suit Investigation, NOI, and Complaint.** In early 2019, I began  
13 investigating the DBD and SMD dairy CAFOs. Between January 11, 2019 and  
14 May 23, 2019, I spent roughly 43 hours reviewing public records on the  
15 Defendants’ facilities, preparing Plaintiffs’ mandatory pre-suit notice of intent to  
16 sue, researching legal issues, and preparing and finalizing Plaintiffs’ original  
17 complaint. This time was necessary to ensure that Plaintiffs properly evaluated the  
18 factual and legal background and the merits of their RCRA cause of action.

19 20. **Motion to Dismiss Round 1.** After Plaintiffs filed suit, Defendants  
20 moved to dismiss the Complaint on a variety of grounds. Between August 8, 2019

1 and October 24, 2019, I incurred approximately 26 hours researching Defendants'  
2 cases and arguments, drafting Plaintiffs' opposition thereto, and dealing with the  
3 related motion to strike that was filed in the case.

4       **21. Initial Discovery and Rule 34 Inspection.** Following the Court's  
5 denial of Defendants' first Motion to Dismiss, Plaintiffs began the discovery  
6 process. I was principally responsible for handling discovery in this case, and  
7 conferred with Mr. Tebbutt regularly about discovery. Between January 2020 and  
8 June 2020, I spent roughly 50 hours on discovery matters related to initial  
9 disclosures, reviewing and editing written requests for production and  
10 interrogatories, preparing and litigating Plaintiffs' Rule 34 inspection notice and  
11 related discovery dispute, and reviewing and evaluating Defendants' discovery  
12 answers and productions. I ceased my discovery review and related tasks in June  
13 2020 after Defendants indicated their original intent to settle the matter. During  
14 that time, I incurred a handful of hours reviewing a draft Consent Decree and  
15 related plans, as well as Plaintiffs' settlement communications in anticipation of  
16 mediation. I did not participate in mediation, however, to keep Plaintiffs' fees low.

17       **22. Litigation Following First Mediation.** The case did not settle in  
18 mediation. As such, I again began litigating this case and preparing it for trial,  
19 beginning on October 12, 2020. From that date through March 11, 2021, I incurred  
20 approximately 110 hours in pretrial matters. This included substantial written



1 discovery and discovery review, prepping for and participating in depositions of  
2 Defendants' employees and other third parties, and prepping for and participating  
3 in discovery disputes, including long discussions with Defendants about spoliation  
4 and which devices to search and the search terms to be used to cure the spoliation.

5       23. **First Stay of Case.** Defendants again indicated their intent to settle  
6 this matter, and the parties agreed to temporarily stay the case to evaluate  
7 settlement potential. Between March 18, 2021 and September 1, 2021, I incurred  
8 roughly 7 hours reviewing closure plan proposals, reviewing data and sampling  
9 maps for use with settlement, and conferring with my colleagues about legal  
10 strategy. In consultation with Mr. Tebbutt, I did not engage in major substantive  
11 work on this case while settlement was being discussed to keep Plaintiffs'  
12 compensable fees low. That I only billed roughly 7 hours during this six-month  
13 time period demonstrates the "pause" that I took in hopes that Defendants'  
14 resources would be better spent addressing the problems at the site, not on  
15 litigation.

16       24. **Second Motions to Dismiss.** The parties did not settle the case, and a  
17 fourth amended scheduling order was entered by the Court on September 15, 2021.  
18 I began litigating the case yet again in earnest. Plaintiffs thereafter filed their First  
19 Amended Complaint on November 8, 2021, adding in numerous defendants  
20 including Mr. DeCoster himself. The newly added Defendants brought in

1 additional defense counsel and, on December 15, two new motions to dismiss were  
2 filed. During this time period, I incurred roughly 85 hours in this case. My time  
3 was spent researching, drafting, editing, and revising Plaintiffs' oppositions to  
4 Defendants' motions to dismiss and related motion to unseal, continuing discovery  
5 review and related disputes, and conferring with Plaintiffs' legal team about  
6 strategy and trial preparations. This time period concluded roughly at the end of  
7 March 2022.

8       **25. Additional Stay of Litigation.** Following the Court's Order denying  
9 Defendants' second motions to dismiss, there was another round of attempted  
10 settlement negotiations. The Court stayed the case at the parties' request again, and  
11 discussions about resolution restarted. Between April 2022 and November 7, 2022,  
12 I incurred approximately 13 hours working with Mr. Tebbutt and Plaintiffs'  
13 representatives to attempt to settle this case. I reviewed draft consent decrees,  
14 conferred with Mr. Tebbutt on legal strategy, and corresponded with Defendants  
15 and clients. I am omitting 1.1 hours of time during this period where I incurred  
16 time securing Public Justice's representation of Plaintiffs.

17       **26. Trial Preparations.** With settlement discussions again failing,  
18 Plaintiffs notified the Court that this matter needed to be placed back on schedule,  
19 and the Court entered the Seventh Amended Bench Scheduling Order on  
20 December 8, 2022. At that time, the case was scheduled to be heard by the Court

1 on July 6, 2023, presenting a six-month timeframe to resolve all discovery issues,  
2 take necessary fact and expert depositions, and preparing all pretrial matters.  
3 According, between November 15, 2022 and April 17, 2023, I incurred  
4 approximately 238 hours on this case. Time was spent once again attempting to  
5 resolve ongoing discovery disputes, the culmination of which was Plaintiffs'  
6 successful motion to compel, ECF No. 162; continuing to review Defendants'  
7 discovery productions, including from outside counsel; preparing and taking  
8 depositions, including of Defendants' primary expert and consultant, Mr. Stephen;  
9 working with Plaintiffs' experts to prepare their opening and rebuttal expert  
10 disclosures; and getting Plaintiffs' case-in-chief ready for presentation to the Court.  
11 Defendants again changed their attorneys at this stage of the litigation, which  
12 required additional discovery letters and extensive and repeated explanation to  
13 Defense counsel over what discovery and production agreements had been  
14 previously reached.

15       **27. Final Resolution and Entry of Consent Decree.** On April 18, 2023,  
16 I was asked by Mr. Tebbutt to cease trial preparations as settlement was imminent.  
17 From that time onward, the hours I incurred in this case concerned reviewing drafts  
18 of Consent Decrees and related exhibits and working with Plaintiffs and their  
19 communications teams to ensure that entry of the Decree was publicly known. I  
20



**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2023, I electronically filed the foregoing document, together with Exhibit 1 thereto, on the Court's CM/ECF filing system, which will automatically serve the following counsel of record:

Gary H. Baise	gbaise@ofwlaw.com
Jay Carroll	jcarroll@hnw.law
Amy van Saun	avansaun@centerforfoodsafety.org
Toby Marshall	tmarshall@terrellmarshall.com
Blythe H. Chandler	bchandler@terrellmarshall.com
Andrea K. Rodgers	andrearodgers42@gmail.com
Daniel C. Snyder	dsnyder@publicjustice.net

/s/ Jonathan D. Frohnmayer  
Jonathan D. Frohnmayer  
Law Offices of Charles M. Tebbutt

## **Exhibit 1 – Daniel Snyder and Lisa Reed – Time Entries**

Date	Atty	Description	Time
9/27/22	DS	Prep and circulate conflicts check to PJ ( <b>Omit .5</b> )	0.0
10/20/22	DS	Call with CT re: case update	0.5
10/25/22	DS	Finalize and send DBD CEC memo; emails re: same (.4); call with CT re: status (.2) ( <b>Omit .6</b> )	0.0
10/27/22	DS	Carefully review email from Brendan Monahan re: updated Consent Decree; rev updated CD, call with PJ re: same	1.0
10/27/22	DS	Rev email from CT to clients re: updated CD from Monahan and proposed next steps; consider	0.3
10/27/22	DS	Call with CT re: status report and next steps (.2); rev email from CT to counsel and consider re: what will go into next status report (.6)	0.8
10/28/22	DS	Rev and consider email from FOTC re: final consent decree (.1); call with CT re: settlement (.2)	0.3
10/28/22	DS	Call with CT again re: status report (.2); emails re: same with withdrawn opposing counsel (.5)	0.7
10/28/22	DS	Review and edit/revise proposed status report in light of emails from opposing counsel	1.0
11/3/22	DS	Call with CT re: DBD, Gary Baise potential defense counsel, and status of consent decree.	0.5
11/3/22	DS	Rev drop dead CD / take it or leave it offer; rev emails from CT and clients re: same	1.4
11/4/22	DS	Call with CT re: points on DBD CD (.2); quick legal research re: shared projects (.4)	0.6
11/7/22	DS	Rev email and letter from Jean Mendoza re: CD, consider	0.2
11/15/22	DS	Rev past SO, look at calendar and think about upcoming dates; hold call with Tebbuttlaw re: scheduling and next steps	1.7
11/15/22	DS	Legal research re: leave to serve expert reports when deadline expires while in stay and negotiating settlement	0.8
11/21/22	DS	Rev newest email from CT, review newest offer, compare old CD and reqs against what DBD is doing actively, consider	1.0
12/8/22	DS	Call with CT, rev newest scheduling order	0.5
12/13/22	DS	Rev newest counter offer, consider, emails re: same	1.3
12/19/22	DS	Call with CT to discuss settlement status, litigation next steps	0.4
12/21/22	DS	Rev settlement email exchanges and consider	0.5
12/22/22	DS	Additional emails re: settlement, call w/ CT re: same	0.5
1/3/23	DS	Call with CT re: case update and deposition planning	0.3
1/4/23	DS	Prep for and participate in planning call, notes to file and review disco docs re: same	1.3
1/9/23	DS	Discovery review w/ eye toward expert reports, assemble docs, provide to expert	4.2
1/9/23	DS	Call with CT re: outstanding discovery needs and supplementation	0.2
1/10/23	DS	Continue disco review, eye toward SJ and experts; notes to file	3.2

1/11/23	DS	Call with CT re: case update (.4); rev prior disco issues and track down D's responses and supplements (1.0); draft R37 letter re: outstanding issues and send for review (1.4)	2.8
1/12/23	DS	Call w/ team on depo planning, f/u notes to file re: depo prep; email to opposing counsel re: same; email and calls with Tebbutt team re: same (.5); begin prepping depo outlines and needs (2.3)	2.8
1/13/23	DS	Prep and hold R37 call with opposing counsel, notes to file	1.7
1/17/23	DS	Finalize and send cocounsel agreement to team	0.4
1/18/23	DS	Prep and participate in Chavarin dep and work on doc review during dep (2.7); f/u work on dep prep for Stephen (2.2); email to opposing counsel re: Larry Shuler and f/u (.3)	5.2
1/19/23	DS	Prep and participate in Daniel Chavarin dep; continue prep work while in deposition, then add'l doc rev for Stephen	5.5
1/19/23	DS	Rev and consider 30b6 notice, edit, review past notice, add topic areas (.8); debrief D. Chavarin deposition (.3)	1.1
1/20/23	DS	Continue rev of docs / prep for Stephen; f/u emails to opposing counsel (.3); edit, finalize, and serve 30b6 depo notice (.4); call with CT (.3)	3.8
1/22/23	DS	Sunday Prep for Scott Stephen deposition	10.3
1/23/23	DS	Continue prep in morning, then take first part of Stephen dep; f/u email to cocounsel re: same w/r/t issues that came up during deposition	11.3
1/25/23	DS	Rev, edit, and prep and send letter to defense counsel, related research on 30b6 witnesses and preparation reqs	1.2
1/26/23	DS	Rev email from opposing counsel re: Stephen subpoena (.1); rest on expert reports	3.5
1/27/23	DS	Rev email from opposing counsel, forward to cocounsel w/ thoughts	0.3
1/27/23	DS	Continue work on Russelle Expert Report	2.3
1/31/23	DS	Rev and consider email from FOTC, respond	0.3
1/31/23	DS	Call with CT, then f/u email to GB and JC re: outstanding disco issues, then email to court re: hearing	0.7
1/31/23	DS	Work on Russelle Expert Report (5.5); call with DS re: rep agreement (.3)	5.8
2/1/23	DS	Emails with team and court re: scheduling discovery dispute	0.5
2/1/23	DS	Continue work on Russelle Expert Report / document review while in progress	4.8
2/2/23	DS	Call with JF re: expert reports (.5); call with CT re: expert reports (.2)	0.7
2/2/23	DS	Prep and hold call w/ clients re: upcoming trial deadlines and strategy, cocounsel agreements, answer other q's.	1.5
2/2/23	DS	All work on Russelle expert report	8.8
2/6/23	DS	Rev files for records for experts, send to experts	3.2
2/6/23	DS	Rev newest edits on cooperating counsel agreement, consider	0.5
2/6/23	DS	First review of Nachman expert report	0.5
2/7/23	DS	Call with FOTC rep (.9); call with CT (.3)	1.3



2/7/23	DS	Begin work on our position paper for discovery dispute issues; collecting docs and begin drafting	2.5
2/8/23	DS	Continue work on position paper re: discovery dispute, rev edits	2.2
2/10/23	DS	Rev edits to disco letter, finalize and Jon send	0.8
2/13/23	DS	Rev letter from Baise, consider, call w/ CT re: same	0.7
2/13/23	DS	Emails re: Non-Wash Defs re: mandatory initial disclosure	0.3
2/14/23	DS	Prepare response letter brief, check discovery re: prior supplementation, prep to serve	1.5
2/14/23	DS	Emails to Non-Washington counsel re: outstanding discovery	0.4
2/15/23	DS	Prep and hold disco conference w/ Judge Rice, f/u with team	1.5
2/16/23	DS	Emails with GB re: phone call	0.2
2/17/23	DS	Prep and hold call with CT and JM, f/u with CT	1.3
2/17/23	DS	emails w/ GB re: phone call	0.2
2/21/23	DS	Rev first draft Russelle sent back, make edits, fill in citation holes, confer w/ team re: same	3.7
2/21/23	DS	Call with opposing counsel re: discovery	0.2
2/22/23	DS	Email to non-Wash defs about outstanding discovery matters, call w/ CT re: same	0.5
2/22/23	DS	Email to G Baise f/u from conversation, review and respond to add'l emails re: case management	0.8
2/22/23	DS	Emails with Michael Russelle re: extension on expert report	0.3
2/23/23	DS	Rev emails and rev/edit draft motion and PTO re: expert extension, send to opposing counsel, emails re: same	1.0
2/23/23	DS	File joint motion, send PO to riceorders	0.3
2/23/23	DS	Rev letter from G Baise, check our files re: response, rev specific interrogatories, consider; respond by email	1.7
2/24/23	DS	Rev newest settlement docs, consider	0.7
2/24/23	DS	Rev and respond to email from GBaise	0.4
2/27/23	DS	Rev files, rev notes, assemble list of litigation deadlines and needs, f/u by email w/ litigation team	1.3
3/1/23	DS	Email to cocounsel re: SJ and outline	0.4
3/2/23	DS	Call with CT re: Russelle report (.2)	0.2
3/3/23	DS	Call with DE, CT, and JF re: Erickson report	1.0
3/6/23	DS	Email to Lisa re: bates stamping and production	0.1
3/8/23	DS	Email check-in w/ Michael Russelle	0.1
3/13/23	DS	Work up MTC and decl; rev emails and files re: same; call with team re: same (1); legal research re: same (1.5)	6.5
3/13/23	DS	Draft email re: deposition issues to send to defs	0.4
3/13/23	DS	Emails with cocounsel re: missing data from Farallon and next steps (.3); call with CT and JF re: status and strategy (.7)	1.0

3/14/23	DS	Work on MTC, decl, and MTE, and related legal research based on convo w/ cocounsel (2.8); emails re: same (.2); emails w/ Russelle re: expert reports (.2); call with CT re: MTC and discovery (.3)	3.5
3/14/23	DS	Add'l legal research on MTC (.7); rev and edit newest version of MTC (.5); call w/ opposing counsel (.3); rev email from JC re: disco (.3); rev files (.3), and respond to JC email (.4).	2.5
3/15/23	DS	Rev and consider email from DBD counsel re: 30b6 and depo planning	0.5
3/15/23	DS	Emails with AVS, get dropbox access, provide to CFS	0.3
3/15/23	DS	Read second email from D's re: 30b6	0.3
3/16/23	DS	Legal research re: 30b6 depositions (.6); email to cocounsel (.3); email to opposing counsel re: same.	1.5
3/16/23	DS	Rev prior disco, prep and draft newest disco requests to Wash and Non-Wash Defs.	2.0
3/16/23	DS	Call with CT re: disco (.1); rev and edit comments (.2); rev files re: DeCoster revocable trust (.3); and edit, then serve on D's.	0.8
3/16/23	DS	Rev email from JM re: expert testimony	0.4
3/16/23	DS	Rev newest disco requests from D's, add to To-Do's.	0.3
3/17/23	DS	Rev comment and notes from client, consider, notes to file re: same. Legal research re: expert testimony disclosure reqs.	1.0
3/20/23	DS	Call with CT re: upcoming deadlines	0.4
3/20/23	DS	Rev email to/from court re: MTC	0.2
3/20/23	DS	Rev email from Russelle re: expert rebuttal	0.3
3/20/23	DS	Rev D's email and MTE response, consider, compare against notes from MTC	0.6
3/21/23	DS	Internet research on Farrallon, send email to JF re: subpoena	0.4
3/21/23	DS	Facilitate transfer of records to cocounsel at CFS, emails re: same	0.5
3/21/23	DS	Rev email re: depositions, email to team re: same	0.5
3/21/23	DS	Respond to email from JC re: deposition dates, quick research on Rule 31	0.6
3/21/23	DS	Rev draft motion for add'l depositions, edit, cite check, email to opposing counsel re: MTE	1.0
3/21/23	DS	Emails w/ JF re: discovery docs and word versions	0.2
3/21/23	DS	Rev our discovery production re: experts prior to service	2.0
3/22/23	DS	Rev, edit, and revise mtn for add'l depositions; research re: same; send back to JF	1.6
3/22/23	DS	Rev expert doc production and update, prepare our RFP response	1.2
3/22/23	DS	Call with CT re: debrief on call w/ Gary and Jay	0.3
3/23/23	DS	Emails w/ team re: SJ and materials to cite	0.6
3/23/23	DS	Rev subpoena to Farrallon	0.2
3/23/23	DS	Rev our fourth set RFPs, email re: same	0.2
3/24/23	DS	Rev deposition scheduling email and consider (.4); rev SO and dispositive motion deadline, consider (.3); email to cocounsel re: upcoming schedules and deadlines (.3)	1.0

3/24/23	DS	Rev final production and related discovery, rev expert reports to ensure completeness, serve	0.5
3/27/23	DS	Rev supplemental production from Defs	0.3
3/27/23	DS	Rev emails re: reply on MTC, review tech report from USDA re: phosphorus apps	0.5
3/28/23	DS	Rev MTC opposition in detail, along with declarations (1.5); legal research re: same (1.2). Draft and send reply to our team for review	5.2
3/28/23	DS	Rev email from JC and consider re: 30b6; check calendar for timing	0.3
3/29/23	DS	Call with CT to discuss legal strat and MTC	0.4
3/29/23	DS	rev edits to MTC/MTS, edit decs, send back	0.9
3/29/23	DS	Rev D's response to Mot for add'l deps; consider; draft reply and send to cocounsel	1.5
3/30/23	DS	Rev email from Glessner Iowa counsel, rev past corres, look at docs	1.0
4/3/23	DS	Call with CT (.3); think about Daubert, then email to TMLG w/ expert reports and summary of arguments for Daubert (.7)	1.0
4/3/23	DS	Draft email re: Glessner devices and spoliation	0.3
4/3/23	DS	Discovery review first quick pass through Glessner production	1.5
4/4/23	DS	Draft Russelle Rebuttal to Fasching, related research re: same	4.8
4/4/23	DS	Call with CT, revise and send email re: Glessner devices	0.4
4/4/23	DS	Continue disco review	3.5
4/5/23	DS	Rev written disco answers, rev Goranites comms, send email to opposing counsel re: updating on depositions	1.5
4/5/23	DS	Emails with D's re Glessner, Goranites, Cliff ongoing R37 requests	0.5
4/5/23	DS	Continue disco review	3.3
4/6/23	DS	Rev and confer with cocounsel re: deposition planning, send email re: same	0.3
4/6/23	DS	Emails w/ MR re: depo planning	0.2
4/6/23	DS	Call with CT, then call with AVS re: SJ	0.6
4/10/23	DS	Rev letter from JC re: defs' discovery, consider, rev our discovery, email re same	0.5
4/10/23	DS	Call with litigation team re: depo planning	0.5
4/10/23	DS	Work on Russelle rebuttal report Stephen	3.2
4/11/23	DS	Prep and hold call w/ Jay re: outstanding discovery issues on both sides (1.5); f/u with team	2.3
4/11/23	DS	Continue disco review Glessner emails	4.4
4/11/23	DS	Prep and hold call w/ CFS re: SJ	0.4
4/11/23	DS	Rev edited and updated Stephen rebuttal	0.7
4/12/23	DS	Call w/ CT re: settlement	0.3
4/12/23	DS	Analyze proposed CD, email to team re: same	1.0
4/12/23	DS	Rev Fasching rebuttal near final	0.6
4/12/23	DS	Rev Stephen near final rebuttal, emails re: same	0.8
4/12/23	DS	Emails w/ JF and CT re: f/u from disco call	0.6

4/13/23	DS	Rev expert reports re: GW flow, rev standee data, email and text re: same	1.2
4/13/23	DS	Rev email from JC, consider; rev privilege log from D's and highlight/note disagreements (2.5, nearly 100 pages); draft response for cocounsel consideration	3.8
4/13/23	DS	Rev updated rebuttals from Russelle for Stephen and Fasching, email re: same	0.8
4/14/23	DS	Rev email from JC re: not authorized to accept service, consider, send email to team re: same	0.4
4/14/23	DS	Rev and consider Dave Erickson comments on proposed CD	0.3
4/17/23	DS	Emails with Mari and Kathy re: DBD hours	0.2
4/17/23	DS	Emails w/ AS re: Daubert	0.2
4/17/23	DS	Final review of all rebuttal expert reports (1.2); rev and process Russelle supplemental production, and serve (1.0); rev D's responses to our discovery and associated doc production.	3.5
4/17/23	DS	Rev and consider email from D's re: objection to John Glessner, consider (.5); call with CT re: MTC (.2)	0.7
4/18/23	DS	Rev proposed final CD (1); calls w/ CT re: same and settlement (.5)	1.5
4/19/23	DS	Rev emails re: settlement and final issues, consider and rev drafts; calls with CT re: same	1.2
4/19/23	DS	Draft and send email to DM and JC re: settlement in DBD	0.2
4/21/23	DS	Rev in detail newest near-final Consent Decree and exhibit list (1.4); call with CT re CD (.1)	1.5
4/21/23	DS	Rev FINAL FINAL CD draft.	0.5
4/21/23	DS	Email to Ameesha and Masha re: PR for DBD settlement	0.2
4/24/23	DS	Give one more review of Consent Decree before finalization on all terms and exhibits	1.5
4/24/23	DS	Email to TS re: settlement and CD	0.3
4/25/23	DS	Emails w/ Tammy and others re: DBD settlement	0.5
4/25/23	DS	Emails w/ PJ Comms team re: DBD settlement	0.4
4/25/23	DS	Emails w/ cocounsel re: fees and costs for CD	0.3
4/25/23	DS	Rev amended and updated exhibits and compare against discovery documents for consistency and accuracy	1.1
4/26/23	DS	Prep and hold call w/ Masha re: comms, email to JM re: same, rev prior comms and consider messaging	1.0
4/26/23	DS	Rev next updated exhibit set for CD	0.4
4/26/23	DS	Rev info re: CARE administrative dissolution, consider	0.3
4/27/23	DS	Rev and respond to emails re: settlement and final docs	0.3
4/27/23	DS	Rev and consider emails re: comms and press	0.2
4/27/23	DS	Rev email from Michael Russelle re: CD amendments, consider, email/text w/ legal team	0.5
4/27/23	DS	Emails w/ our comms team at FP re: status	0.2
5/1/23	DS	Prep and hold meeting w/ Masha and Dash re: DBD Comms	0.6

5/2/23	DS	Rev newest exhibits for CD	0.4
5/3/23	DS	Email to Masha re: quote for Helen Reddout	0.1
5/8/23	DS	Rev quotes from Jean, send to Masha re: PR	0.2
5/9/23	DS	Rev DBD PR, send comments/edits to Masha/Ameesha, then send out to rest of team.	1.3
5/11/23	DS	Call w/ Jean M; email f/u re: press	0.3
5/11/23	DS	Call w/ CT re: press	0.3
5/12/23	DS	Call w/ CT re: CD	0.2
5/17/23	DS	Rev recent emails re: exhibits on CDs, and holdups	0.2
5/22/23	DS	Rev emails re: notice of settlement, rev notice	0.3
6/5/23	DS	Corres w/ CT and JF re: CD, then rev updated docs again	0.3
6/6/23	DS	Rev final CD and related emails/exhibits, then emails w/ Comms teams re: filing	0.5
6/7/23	DS	Prep timesheet for settlement demand	0.4
6/13/23	DS	Rev press on settlement, email to Masha re: Same	0.5
6/20/23	DS	Call with JF re: DBD billing	0.3
6/22/23	DS	Rev email from JF re: billing questions, consult records and review	0.4
6/22/23	DS	Emails re: DS atty fee rate, check rates awarded in Washington	0.4
6/24/23	DS	Emails to Mari at LOCMT re: billing	0.3
6/26/23	DS	Call with CT (.2); rev final emails re: billing and settlement	0.4
6/27/23	DS	Rev and respond to emails re: billing and wire transfer	0.2
7/5/23	DS	Rev file and provide LR time to Mari at Tebbuttlaw	0.2
7/6/23	DS	Rev email re: fees, then send email to TS/VN re: same at PJ	0.3
7/7/23	DS	Rev excel spreadsheet JF assembled and compare against CD reqs	0.6
8/29/23	DS	Emails re: fee petition planning	0.3
8/29/23	DS	Begin work on fee declarations	2.3
9/1/23	DS	Call with CT (.4) re fee petition and hourly rates; prep and serve SDTs on all defense counsel	1.8
9/7/23	DS	Careful review and edit of fee motion, check legal citations	2.2
9/7/23	DS	Complete DCS declaration, careful review of timesheets	1.8
9/7/23	DS	Rev and consider JM decl, email re: same	0.5
9/7/23	DS	F/U by email and phone call to firms that did not respond to SDT, emails re: same	0.5
<b>Total</b>			<b>246.2</b>

Date	Staff	Description	Time
3/16/23	LR	Prepare expert reliance materials for production	8.6
3/20/23	LR	Finalize production of expert materials	4.2
3/21/23	LR	Prepare and bates number additional expert documents for production	1.5
<b>Total</b>			<b>14.3</b>